

## REMARKS

### **Status of the Claims**

Claims 1-20 are pending in this application. Claims 13 and 14 are withdrawn from consideration. Claims 1 and 15 is cancelled herein. Claim 21 is added. Reconsideration and allowance of claims 2-12, and 16-21 is respectfully requested in view of the amendments and following remarks.

### **Rejections Under 35 U.S.C. § 102**

Claims 3 and 4 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,996,137 to Copper for reasons set forth in the office action on pages 3 and 4 of the Office Action. Claims 1-9, 11-12, and 15-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,456,800 to Humbert for reasons set forth on pages 5-7 of the Office Action. Applicant respectfully traverses these rejections.

A § 102 rejection is proper only if each and every element as set forth in the claim is found – i.e., the prior art must teach every aspect of the claim. *See Verdegall Bros. v. Union Oil Co. of California* 918 F.2d 628, 631 (Fed. Cir. 1987); *see also* MPEP §2131.

(1) With respect to the rejections of claims 3 and 4 in light of Cooper, Claim 3, and thus dependent claim 4 , recite “the filter media, the inlet, and the outlet are substantially coaxial” Applicant respectfully submits that Cooper does not teach at least this aspect of the claim.

By contrast, Cooper is directed to a generally cylindrically shaped housing containing a filter, the ports for letting the fluid in and out of the filter are located near one end of cylinder. The filter media is located adjacent to the inlet and outlet and not coaxial

with them. At least for the reason that Cooper does not teach or suggest “the filter media, the inlet, and the outlet are substantially coaxial” the present invention is patentably distinct from Cooper. For at least this reason, Applicant requests that the § 102 rejection in light of Cooper be withdrawn.

(2) Claims 1-9, 11-12, and 15-20 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 3,456,800 to Humbert for the reasons set forth on pages 5 – 7 of the Office Action. The Applicant respectfully traverses these rejections.

Claim 1 is cancelled to facilitate prosecution. Applicant does not concede that claim 1 is not patentable and reserves the right to pursue the subject matter of claim 1 in the future.

Claim 2 recites “the filter media substantially coaxial with the inlet and outlet.” Claim 3 and thus dependant claims 4-9 recite “wherein the filter media, the inlet, and the outlet are substantially coaxial.” Claim 12 and thus dependant claims 16-20 recite “the inlet and outlet configured to be substantially coaxial.” Humbert does not recite at least these aspects of the claimed invention.

By contrast, Humbert shows an apparatus with inlet, outlet and filter media located adjacent to each other (see Fig. 1). Humbert does not teach or suggest an inlet, outlet and filter media located substantially coaxially.

For at least for the reasons explained above, Applicant requests that the § 102 rejections of claims 2-9, 11-12, and 16-20 as being anticipated by Humbert be withdrawn.

### **Rejections Under 35 U.S.C. § 103**

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Cooper in view of U.S. Patent No. 6,139,737 to Gizowski for reasons set forth in the Office Action on pages 7-8. Applicant respectfully traverses this rejection.

Claim 10 is dependant on claim 3, and at least for the reasons stated above, claim 3 is patentable over Cooper. Therefore, claim 10 is patentable over Cooper by reason of its dependency.

For at least this reason, Applicant respectfully requests the rejection of claim 10 under 35 U.S.C. § 103(a) be withdrawn.

### **Response to Examiner's Arguments**

Applicant acknowledges the Examiner's remarks on pages 8-10 regarding the coaxial arrangement of parts of the filter. The Examiner suggested that U.S. Patent Nos. 3,799,347 and 4,318,809 show a filter with some parts in a coaxial arrangement. Applicant asserts that the '347 and '809 patent do not teach or suggest the combination recited in pending claims 2-12, 21 and 16-20. For example, claim 2 recites "a second retainer located in the same end as the first retainer." Claim 3 recites "reverse flow bypass means disposed adjacent said forward flow bypass means and in the same end of the filter as the forward flow bypass means." Claim 12 recites "a rear valve body located in the same end as the front valve body."

Neither the '347 or the '809 patent teach or suggest at least these aspects of the claims.

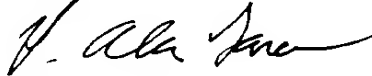
CONCLUSION

It is therefore respectfully submitted that the application is in condition for allowance and such action is hereby solicited.

Any extension of time necessary to prevent abandonment is hereby requested, and any fee necessary for consideration of this response is hereby authorized to be charged to Deposit Account No. 50-2036.

Respectfully submitted,

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Attachment – Appendix

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**Appendix – Marked-up Version of the Claims**

**IN THE CLAIMS:**

Please cancel claim 15 and amend claims 1-3, 12, 16, and 19-20 as follows:

2. (Twice Amended) A fluid filter having two ends comprising:

an inlet for passage of fluid into said filter;

an outlet for passage of fluid leaving said filter;

a filter media disposed between said inlet and said outlet, for filtering said fluid the filter media substantially coaxial with the inlet and outlet;

a valve body comprising:

a first retainer which houses a first spring, the first retainer engaging the first spring at one end of the first spring and a first disk disposed at another end of said first spring; and

a second retainer located in the same end as the first retainer, disposed opposite to said first retainer, said second retainer houses a second spring, the second retainer engaging the second spring at one end of the second spring, and a second disk disposed at another end of said second spring; and

[an end cap separating said first disk from said second disk;]

wherein said second disk is operative to compress said second spring in a first direction toward said second retainer; and

wherein said first disk is operative to compress said first spring in a second direction toward said first retainer, said first direction being opposite to said second direction.

3. (Amended) A fluid filter having two ends comprising:

a housing defining a chamber, said chamber having an inlet at one end through which fluid enters said fluid, and an outlet at another end through which said fluid leaves said filter;

a filter media disposed in said chamber between said inlet and said outlet, for filtering said fluid;

means for allowing a fluid to flow from said inlet to said outlet in a first fluid flow path, through said filter media;

forward flow bypass means for allowing said fluid to flow from said inlet to said outlet in a second fluid flow path, bypassing said filter media; and

reverse flow bypass means disposed adjacent said forward flow bypass means and in the same end of the filter as the forward flow bypass means, for allowing said fluid to flow in a third fluid flow path, bypassing said filter media,

wherein the filter media, the inlet, and the outlet are substantially coaxial.

12. (Twice Amended) A fluid filter having two ends comprising:

a housing defining a chamber, said chamber having an inlet at one end and an outlet at another end, through which fluid passes from said inlet to said outlet, the inlet and outlet configured to be substantially coaxial;

a filter media disposed between said inlet and said outlet, which filters said fluid;

a front valve body having a first retainer housing a first spring, the first retainer engaging the first spring at one end of the first spring, and a first disk disposed at another end of said first spring;

an end cap against which said first disk is seated, said end cap having holes in a periphery of said end cap which are sealed by said first disk, and said end cap having a central aperture;

a rear valve body located in the same end as the front valve body, having a second retainer housing a second spring, the second retainer engaging the second spring at one end of the second spring, and a second disk disposed at another end of said second spring, said second disk sealing said central aperture of said end cap; and

a stabilizing spring disposed between said first retainer and said housing within said chamber, to hold said front valve body stably within said chamber;

wherein said first disk is operative to compress said first spring in a first direction, moving said first disk away from said end cap and opening up said holes in said periphery of said end cap, allowing fluid to pass through said holes and said front valve body to exit said filter, bypassing said filter media; and

wherein said second disk is operative to compress said second spring, to allow said fluid to pass through said central aperture of said end cap from said front valve body, through said rear valve body to exit said filter, bypassing said filter media.

16. (Amended) The filter according to Claim [15] 12, wherein said end cap comprises a central aperture and a plurality of peripheral holes.

19. (Amended) The filter according to Claim [15] 12, wherein said disk is made of plastic.

20. (Amended) The filter according to Claim [15] 12, wherein said retainer, said spring, and said end cap, are made of metal.